

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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KINSEY JOHN KEE,

Case No. 3:23-cv-00316-MMD-CSD

Plaintiff,

ORDER

v.

H.C.S.O/Sheriff, *et al.*,

Defendants.

Pro se Plaintiff Kinsey John Kee brings this action under 42 U.S.C. § 1983. (ECF No. 1-1 (“Complaint”).) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney, recommending that the Court dismiss this action without prejudice for Kee’s failure to comply with the Court’s order (ECF No. 4) to file a complete *in forma pauperis* (“IFP”) application or pay the required filing fee, as well as his failure to file an updated address with the Court. (ECF No. 6.) Objections to the R&R were due January 23, 2024. (*See id.*) To date, no objections have been filed.¹ For this reason, and as explained below, the Court adopts the R&R in full and dismisses this action without prejudice.

Because there is no objection, the Court need not conduct *de novo* review and is satisfied Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Judge Denney recommends dismissing this action without prejudice because Plaintiff did not comply with the Court’s August 8, 2023 order (ECF No. 4) to file a completed IFP Application or to pay the filing

¹The R&R was returned as undeliverable. (ECF No. 7.) However, it is Kee’s responsibility to file notification of any change of mailing address. See LR IA 3-1.

1 fee. (ECF No. 6 at 1-2.) Plaintiff was cautioned that failure to pay or submit an IFP
2 Application with required documentation by the deadline would result in a
3 recommendation of dismissal without prejudice. (ECF No. 4.) While the August order was
4 returned as undeliverable (ECF No. 5), Plaintiff is responsible for updating his address
5 with the Court and has not done so—nor filed a complete IFP Application—in the five
6 months since the issuance of that order. See LR IA 3-1. Having reviewed the R&R and
7 the record in this case, the Court agrees with Judge Denney and will adopt the R&R in
8 full.

9 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
10 No. 6) is accepted and adopted in full.

11 It is further ordered that this action is dismissed without prejudice.

12 The Clerk of Court is directed to enter judgment accordingly and close this case.

13 DATED THIS 31st Day of January 2024.

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16 MIRANDA M. DU
17 CHIEF UNITED STATES DISTRICT JUDGE
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